

Docket No: 38-21(51091)C

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Larry Gilbertson  
Serial No: 10/816,410  
Filed : 04/01/2004  
For: Homologous Recombination-Mediated  
Transgene Deletion in Plant Cells

Art Unit: 1638  
Examiner: David T. Fox

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OCT 25 2006

**Response To Restriction Requirement**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

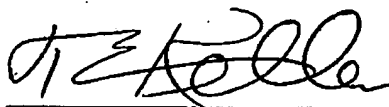
Sir:

Responsive to the restriction requirement made in the Office Action mailed 09/26/2006 with a shortened statutory period of one month to reply, applicant hereby elects Group III, i.e. claims 14-23.

Applicant understands that the restriction between the linked inventions is subject to the nonallowance of the linking claims 1 and 3-9 and that upon the indication of allowability of the linking claims, the restriction requirement will be withdrawn, i.e. linking claims 1 and 3-9 will be initially examined.

This communication is being facsimile transmitted to the USPTO via the fax phone number identified in the office action, i.e. 571-273-8300, on October 25, 2005.

Respectfully submitted,



Thomas E. Kelley  
Registration No. 29, 938  
Attorney for Applicants  
Phone: 860 572-5274